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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
LAWANA SUMLER-ANDERSON)
)
Complainant,)
) No. 06-0290
vs.)
)
PEOPLES GAS LIGHT AND COKE)
COMPANY,)
)
Respondent.

Chicago, Illinois
June 27th, 2006

Met, pursuant to notice, at 11:00 a.m.

BEFORE:

MS. EVE MORAN, Administrative Law Judge

1 APPEARANCES:

2 MS. LAWANA SUMLER-ANDERSON
3 1423 West 71st Place
4 Chicago, Illinois 60636
5 (773) 488-7681
6 appearing pro se;

7 MR. MARK GOLDSTEIN
8 108 Wilmont Road
9 Suite 330
10 Deerfield, IL 60015
11 (847)580-5480
12 for Peoples Gas.

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26 SULLIVAN REPORTING COMPANY, by
27 Devan J. Moore, CSR
28 License No. 084-004589

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
Ms. Sumler-Anderson		23		30	14, 28, 47
Mr. Schmoldt	32	42	44		41, 45

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Respondent's Exhibit No. 1 - 5	10	51
Complainant's Exhibit No. 1	20	52

1 (Whereupon, Respondent's Exhibit
2 Nos. 1 - 5 were marked for
3 identification.)

4 JUDGE MORAN: Pursuant to the direction of the
5 Illinois Commerce Commission, I call Docket 06-0290.
6 This is Lawana Sumler-Anderson versus Peoples Gas
7 Light and Coke Company. It is a complaint as to
8 billing/charges in Chicago, Illinois.

9 May I have the appearances for the
10 record, please.

11 MR. GOLDSTEIN: On behalf of the People Gas
12 Light and Coke Company, Mark L. Goldstein, 108 Wilmot
13 Road, Suite 330, Deerfield, Illinois 60015. My
14 telephone number is (847) 580-5480, and I have with
15 me today the witness from Peoples Gas, Brian
16 Schmoldt, that's S-c-h-m-o-l-d-t.

17 JUDGE MORAN: And could you please give your
18 name, address, and telephone number.

19 MS. SUMLER-ANDERSON: Lawana Sumler-Anderson,
20 1423 West 71st Place, Chicago, Illinois 60636,
21 (773) 488-7681.

22 JUDGE MORAN: Thank you.

1 And Ms. Sumler-Anderson is appearing
2 today pro se.

3 I'm going to go off the record at this
4 point to allow the parties to discuss the matter at
5 hand and then they will call me --

6 MR. GOLDSTEIN: Unless the --

7 JUDGE MORAN: -- or you'll ask the receptionist
8 to call me, and then we will proceed with the
9 hearing, if necessary. Okay?

10 Do you understand what's going to
11 happen here, Ms. Anderson? You've made a complaint.
12 The Company, I assume, is opposing that complaint. I
13 want to give both of you an opportunity to discuss
14 the case. I assume you haven't discussed it in
15 person at all. So you can set out your complaints
16 and listen to their responses.

17 At least if you cannot resolve or
18 you're not satisfied with any resolution, then you
19 will have an opportunity to testify at this hearing.
20 But at least I want to narrow what the issues
21 actually are. Okay?

22 So I'm going to leave the room so that

1 I'm not hearing anything that I shouldn't be hearing.
2 And I'm going to leave you with the Respondent's.
3 And, hopefully, something can get worked out. If
4 not, we will go to hearing. Okay?

5 MS. SUMLER-ANDERSON: Okay.

6 (Whereupon, a discussion was had
7 off the record.)

8 JUDGE MORAN: All right. It appears that the
9 parties have not been able to work out their
10 differences; and, therefore, we will proceed to
11 hearing.

12 The first thing I'm going to do is I'm
13 going to swear in the witnesses. So if you will
14 please raise hand.

15 (Witnesses sworn.)

16 JUDGE MORAN: And then the next thing is, I
17 will read the allegations of the complaint into the
18 record. And I'm taking this from the formal
19 complaint that you filed, Ms. Sumler-Anderson.

20 It states here that, "During the month
21 of February 5th through February 6th, I have received
22 gas charges in excess of \$1,200. Our primary source

1 of heating was electricity, not gas. I believe these
2 charges are erroneous and request an adjustment."

3 And that is signed by you, Ms.
4 Sumler-Anderson; is that correct?

5 MS. SUMLER-ANDERSON: Mm-hmm.

6 JUDGE MORAN: Okay. Thank you so much.

7 I'm going to ask you some questions,
8 Ms. Sumler, in order to lead you into providing
9 testimony on this case. Okay? Then Mr. Goldstein,
10 who is representing the Respondent, has the right to
11 ask you questions. Okay? That's known as
12 cross-examination. He may ask you on points that you
13 have already testified to and explore other aspects
14 that you may have not testified to.

15 After that, I may also ask some
16 follow-up questions.

17 Further, Respondent has a witness, and
18 Mr. Goldstein will have his witness testify and
19 possibly refer to these exhibits that have been
20 marked here for identification.

21 At that point, you can ask
22 Respondent's witness questions, much the same as the

1 questions that were put to you.

2 Okay. Do you understand this?

3 MS. SUMLER-ANDERSON: (Nodding.)

4 THE REPORTER: You have to answer audibly.

5 MS. SUMLER-ANDERSON: Yes.

6 JUDGE MORAN: And I may also ask questions of

7 Respondent's witness. Okay? We're trying to get a

8 full picture and account of the circumstances and the

9 complaint as you have alleged. Okay?

10 MS. SUMLER-ANDERSON: Yes.

11 JUDGE MORAN: Very good.

12 EXAMINATION

13 BY

14 JUDGE MORAN:

15 Q Ms. Sumler-Anderson, please state your full

16 name and address.

17 A Lawana Sumler-Anderson, 1423 West 71st

18 Place, Chicago, Illinois 60636.

19 Q Okay. And do you live at -- you live at

20 that address?

21 A Yes.

22 Q Who do you live with?

1 A My husband.

2 Q And what is his name?

3 A Clarence Anderson.

4 Q Okay. And do you rent or do you own the
5 building?

6 A We own the property.

7 Q And please describe the property?

8 A It's a single-family home. It's called a
9 bungalow. It has an upstairs, the main floor and a
10 basement, four bedrooms, two baths.

11 Q And do you have children?

12 A No.

13 Q Do you have anyone else living with you at
14 the premises?

15 A Occasionally, my nephews stay with me. I
16 have two little nephews that I sometimes keep.

17 Q Okay. How old are they?

18 A 14 -- no, they're 15 and 13 now.

19 Q Okay. Now, please indicate for me, and in
20 your own words, what is the nature of the complaint
21 here?

22 A Well, my husband and I, we did some

1 weatherizing at the house. Last year when they were
2 talking about how the gas prices were going to be so
3 high, we thought we would be proactive and try to
4 take some precautions.

5 Q So what did you do?

6 A Well, the year before, we bought an
7 electric fireplace for the living room, which is
8 basically a decoration, but it's a heater. We never
9 used it in that capacity.

10 So we used that. It's really, really
11 huge. I have a picture of it.

12 Q Very good.

13 A And it says in the description it's 4500
14 BTUs per hour. It heats up the entire first floor.
15 So we went with that. We bought the weatherization
16 kits and did all the windows and doors. Also, I had
17 two -- three electric heaters.

18 So it's just me and him in there most
19 of the time. We're gone 10 hours out of the day.
20 But in the evening it really heated up the entire
21 first floor. So that was the route we took versus
22 using the gas.

1 Our thermostat never went off of 60.
2 Even when it got really cold, we put a heater
3 downstairs so the pipes wouldn't freeze; but we were
4 very comfortable on the first floor. And that's what
5 we used for heating. We didn't -- I know what your
6 reports and what the meters says and stuff, but we
7 didn't use the gas.

8 We also had heard -- when I got the
9 bill for \$400, I called the gas company --

10 Q Okay. Let back track here.

11 What month did you get a bill for
12 \$400?

13 A For November, December -- the December
14 bill. Because it wasn't very cold in October and
15 November. It turned cold after Thanksgiving. That's
16 when he started lighting up the heaters and stuff.

17 So when I got the December bill, I was
18 just totally thrown because we did everything not to
19 use the gas. I mean, even when people visit -- my
20 sisters stay cold. They always talk about it's cold
21 in the house, but it was comfortable. It was not
22 cold. We were okay.

1 So I called and questioned the bill,
2 and they told me the cost of gas was up and, you
3 know, gave me the usage down from last year, they do
4 see a trend; but the cost of gas...

5 Well, I understand the cost of gas
6 went up. What I'm saying is, the gas you're billing
7 me for I didn't use it.

8 We heard a whistling noise coming from
9 under the porch by the meter, so I called about that.
10 They told me it was the gas flowing through the
11 pipes. Well, I know what that sounds and I know what
12 a whistle sounds like (sic). So it wasn't until I
13 called the ICC that the gas company did anything
14 about that. Then that's when I started talking to
15 Brian.

16 Q Okay. What was -- was it ever determined
17 what that whistling noise was?

18 A They didn't tell me what it was, but they
19 changed my meter.

20 Q Okay. So you got a change in meter --

21 A And they said they were going to perform
22 some tests on the meter and give me the results, and

1 I never got those either. But they did change the
2 meter.

3 Q Okay. When was the meter changed?

4 A In January.

5 Q In January of 2006?

6 A Yeah.

7 Q Okay. Do you -- or have you examined the
8 bills from 2000 -- for the winter of 2004, 2005?

9 A Well, I just saw them today --

10 Q Okay.

11 A -- but before, no.

12 Q So you weren't aware of what your usage was
13 the previous winter as opposed to what the usage is
14 reporting at at this point --

15 A No.

16 Q -- or at this past winter?

17 Okay. You have some exhibits that you
18 would like marked?

19 A Yeah, I just wanted to show -- it's really
20 big -- to show that it heats up.

21 Q Okay.

22 JUDGE MORAN: Okay. I'm going to ask the court

1 reporter to mark these for identification as
2 Complaint's Exhibit No. 1 for identification.

3 (Whereupon, Complainant's
4 Exhibit No. 1 was marked for
5 identification.)

6 JUDGE MORAN: And this is a web page from the
7 Sears Catalog Home Center. It describes the
8 Princeton and Newburg Electric Fireplaces.

9 BY JUDGE MORAN:

10 Q And this is a fireplace that you have
11 purchased; is that correct?

12 A Mm-hmm, it's being used in my home.

13 Q And it's in what room of your home?

14 A It's in the living room.

15 Q Okay. And you indicated that you have
16 other electrical heating devices?

17 A Yeah, those little room heaters -- the
18 little towers, I have three of those. We run a
19 fireplace, and it heats up the whole first floor, and
20 we have a heater in our bedroom. So that takes care
21 of the whole first floor. The other heater was for
22 the basement when it got cold, so the pipes didn't

1 freeze.

2 Q So you had one heating tower on the first
3 floor?

4 A In my bedroom and in that furnace -- I
5 mean, and that fireplace.

6 Q Okay. So one heating tower is on the first
7 floor and the living room, also?

8 A No, the fireplace is in the living room.

9 Q Just the fireplace in the living room?

10 A Yeah.

11 Q Okay. One heating tower is in the bedroom?

12 A Mm-hmm.

13 Q And on what floor is that?

14 A That's on the first floor, the main floor.

15 Q Okay. So there is a bedroom on the first
16 floor?

17 A Mm-hmm.

18 Q And that's the bedroom you use?

19 A Yeah.

20 Q Okay. You have a second heating tower?

21 A Right. And we use that in the basement, in
22 the laundry area where the pipes are so that when it

1 got really cold, we cut that on to keep the pipes
2 from freezing.

3 Q Okay. So a second heating tower is in the
4 laundry -- or in the basement, and there is another
5 heating tower?

6 A We have another one. And if we had company
7 downstairs, we'd use that one in the basement, also.

8 Q Okay. So the basement is a usable space?

9 A Oh, yeah, it's finished. Mm-hmm.

10 Q Okay. So there is a third heating tower in
11 the basement --

12 A Basement, in the family room.

13 Q -- family room?

14 Okay. And have you brought any
15 pictures of this fireplace being in your house?

16 A No.

17 Q Do you have any pictures of the heating
18 towers being in your house?

19 A No.

20 Q Okay. All right. And do you have any
21 other exhibits that you would like to put into
22 evidence?

1 A No.

2 Q Okay. I'm going to let -- is there

3 anything else that you want to say at this point to

4 put into the record?

5 A No.

6 Q Okay. I'm going to let Mr. Goldstein

7 proceed with his cross-examination. In other words,

8 he will ask you questions, and then I may want to ask

9 further questions. Okay?

10 A Okay.

11 Q Thank you.

12 CROSS-EXAMINATION

13 BY

14 MR. GOLDSTEIN:

15 Q Ms. Sumler-Anderson, the first floor of

16 your house, how many rooms are on the first floor?

17 And could you describe what those rooms are.

18 A The living room, a dining room, a bedroom,

19 my bedroom, and the kitchen and the bathroom.

20 Q There are two bedrooms on the first floor?

21 A Yes.

22 Q And there is a bedroom down in the

1 basement; is that right?

2 A No, the basement is just the family room.

3 Q That's your family room?

4 A Mm-hmm.

5 Q And, then, on the second floor, there are

6 two bedrooms?

7 A Just two bedrooms upstairs.

8 Q And a bath?

9 A No, the bathroom is in the basement.

10 Q There is a bathroom in the basement and a

11 bathroom on the first floor; is that right?

12 A Yes.

13 Q And we've had marked as Complainant's

14 Exhibit 1 this Princeton and Newburg Electric

15 Fireplace. How much did you pay for it?

16 A With delivery and everything it was, like,

17 \$1500.

18 Q Do you have a bill for that with you today?

19 A No.

20 Q Now, you have a gas furnace in the

21 basement; is that right?

22 A Yes.

1 Q Now, how large is that gas furnace? Do you
2 know how many BTUs it is?

3 A No, it's one of those -- it's big. It sits
4 in the middle of the floor.

5 Q And do you have other gas appliances in the
6 house, like an electric water heater?

7 A Yes, I have a water heater.

8 Q And do you have other gas appliances? Do
9 you have an electric stove in your kitchen?

10 A I have a stove.

11 Q Do you have any other gas appliances?

12 A No, I don't have a drier.

13 Q Do you have a washing machine?

14 A Mm-hmm.

15 Q Is that gas or electric?

16 A Electric.

17 Q And you don't have a drier?

18 A No. I'm afraid of them. Our drier caught
19 on fire.

20 Q And when did that occur?

21 A When we was little we had a washer and
22 drier and our house caught on fire. So I'm probably

1 the only person in America that don't have a drier.

2 Q We've had marked as Respondent's Exhibit 4
3 a gas history for the past three years for the winter
4 heating season. You have a copy of that; do you not?

5 A Yes.

6 Q And have you examined the various usage for
7 the winter heating seasons of 2004, 2005, and 2006?
8 Have you had an opportunity to do that?

9 A Yeah, I just looked at them.

10 Q And do you see that -- beginning
11 particularly in the winter heating season beginning
12 November 21st, 2005, that there was a drop in the
13 usage of gas at your residence?

14 A Yeah.

15 Q And you also see by comparison, however,
16 that the actual billing amounts for the November
17 21st, 2005 into the 2006 gas heating season, while
18 the usage has dropped, the bills have remained
19 approximately the same as the two previous years? Do
20 you see that?

21 JUDGE MORAN: If you might point to some
22 numbers, that might make it clear.

1

2 BY MR. GOLDSTEIN:

3 Q If you look at the total amounts for the
4 various three years, Ms. Sumler-Anderson, you'll see
5 they are comparably -- approximately, the same; do
6 you not?

7 A Yes.

8 Q And you've also -- you just testified that
9 the usage for the 2005/6 heating season, the actual
10 usage has been less. Do you see that, also?

11 A Yes.

12 JUDGE MORAN: Would you make that
13 representation so that it's clear. In other words,
14 you're talking about the total usage in the second
15 column which goes for the 2004 and 2005 winter
16 period, and that total is represented as...

17 MR. GOLDSTEIN: Yes, the various totals are --
18 the accumulation of usage for each of those winter
19 heating seasons beginning November 20th, 2003 through
20 the heating -- 2005, 2006 heating season.

21 JUDGE MORAN: In other words --

22 MR. GOLDSTEIN: Well, for example, for the

1 period of November 20th, 2003 to April 22nd, 2004
2 1653 therms were used.

3 JUDGE MORAN: Okay.

4 MR. GOLDSTEIN: For November 19th, 2004 to
5 April 22nd, 2005 1308 therms were used. And for the
6 period of November 21st, 2005 to April 25th, 2006 975
7 therms were used. And this is all at Ms.
8 Sumler-Anderson's residence.

9 I have no other questions of the
10 Witness.

11 FURTHER EXAMINATION

12 BY

13 JUDGE MORAN:

14 Q Okay. Ms. Sumler-Anderson, have you lived
15 at this place for the last three years?

16 A Yes.

17 Q Okay. And you have no disagreement with
18 these numbers?

19 A Well, I mean, in '03 and 04, I probably did
20 use it. I didn't have a fireplace. But now I have
21 one, I don't agree with this '05, '06. That's why
22 we're here. I didn't use it. There is something

1 wrong. I didn't cut the heat on.

2 Q Okay. You're saying you didn't -- your
3 position is that you didn't use the gas furnace at
4 all?

5 A Well, no -- right. This amount -- the
6 amount of gas that they say I used, while I
7 understand the prices are about the same for every
8 year because the gas went up, I'm saying I didn't use
9 the gas -- well, for hot water heating and cooking,
10 but our thermostat never went over 60. It was always
11 60. It kicked on periodically, but that was few and
12 far between. Those were the -- the week where it got
13 really, really cold. But we couldn't used that much
14 in those two days.

15 I just think that the amount that --
16 what you're saying I used; I'm saying I didn't use
17 because I used the electricity.

18 Do you all understand what I'm saying?

19 Q Yes.

20 MR. GOLDSTEIN: I have just one additional
21 question.

22 JUDGE MORAN: Okay. Fine.

1 RECROSS-EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q Ms. Sumler-Anderson, do you have any of
5 your electric bills for the 2005, 2006 gas winter
6 heating season with you?

7 A No, I do not. And I did call ComEd and get
8 the information, as well as I had some other
9 document. I apologize, I'm unprepared.

10 My husband is ill, that's why I
11 canceled the first meeting. I didn't want to come
12 today, but let's just go on and get it over with.
13 I'm sorry, but I've got them at home. I can fax them
14 to you because I called ComEd and got an activity
15 report, and you can see that my electric bill went
16 up.

17 JUDGE MORAN: Okay.

18 MR. GOLDSTEIN: I have nothing else.

19 JUDGE MORAN: If there is no objection, I'm
20 going to allow Ms. Sumler Anderson to fax those
21 electric bills.

22 MR. GOLDSTEIN: That's fine.

1 JUDGE MORAN: And we will mark them as a
2 late-filed exhibit, Complainant's Exhibit No. 2.

3 MR. GOLDSTEIN: I would also ask, then, to have
4 her also provide the electric bills for the gas
5 winter heating season for 2003, 2004, 2005, the other
6 two years that are in --

7 JUDGE MORAN: In other words, if you get from
8 ComEd, or whoever your supplier is, calculation --
9 you know, the numbers for these three years so we can
10 match them up with the gas.

11 MS. SUMLER-ANDERSON: I have the current
12 activity report. I'll have to call them and they'll
13 have to -- you know, it takes a while.

14 JUDGE MORAN: Okay. That's fine. We've got
15 time. And you do that when your husband gets better.
16 Okay? All right.

17 MR. GOLDSTEIN: I'm prepared to proceed with my
18 witness, and I would call Brian Schmoldt.

19 JUDGE MORAN: Okay. And I have already sworn
20 in the witness, so you may identify the witness.

21

22

1 BRIAN SCHMOLDT,
2 called as a witness herein, having been previously
3 duly sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. GOLDSTEIN:
7 Q Mr. Schmoldt, would you state your name
8 again and give your business address and your
9 position with Peoples Gas?
10 A Brian Schmoldt, S-c-h-m-o-l-d-t, 130 East
11 Randolph, in Chicago 60601. I'm a billing specialist
12 with Peoples Energy -- or Peoples Gas, I should say.
13 Q And how long have you been employed by
14 Peoples Gas?
15 A 13 years.
16 Q And how long have you been a billing
17 specialist for Peoples Gas?
18 A At least eight years.
19 Q And how did you become familiar with Lawana
20 Sumler-Anderson's account for the property at 1423
21 West 71st Place in Chicago?
22 A She filed a complaint with the Illinois

1 Commerce Commission, an informal complaint with them.

2 Q And, so, as a billing specialist, you
3 handle informal and formal complaints at the Illinois
4 Commerce Commission?

5 A Yes.

6 Q And you handled Ms. Sumler-Anderson's
7 complaint; correct?

8 A Yes.

9 Q And being a billing specialist for Peoples
10 Gas, do you have access to Peoples Gas's books and
11 records?

12 A Yes.

13 Q Let me hand you what has been marked as
14 Respondent's Exhibit 1. Could you describe what is
15 contained on this group exhibit.

16 JUDGE MORAN: Okay. Ms. Anderson, that's this
17 one (indicating).

18 THE WITNESS: It's copies of
19 Ms. Sumler-Anderson's bills for the last eight
20 months.

21 Q And those are based on -- are they all
22 based on actual meter readings for that period of

1 time?

2 A Yes.

3 Q And how were those meter readings -- actual
4 meter readings obtained?

5 A Through electronic read devices on the
6 meter.

7 Q And would you describe in a little bit more
8 detail how the readings are actually taken by Peoples
9 Gas?

10 A A truck comes by once a month. And when
11 it's in the area, it's sends a signal to the meter,
12 and then the meter sends a signal back to the truck
13 what the reading is.

14 Q All right. Let me hand you what's been
15 marked as Respondent's Exhibit 2 for identification;
16 it's a two-page exhibit. Could you describe what is
17 contained on that exhibit, Mr. Schmoldt?

18 A It's a transaction history of
19 Ms. Sumler-Anderson's account.

20 Q And from what period of time?

21 A It covers all the way from December 27th,
22 2002. This one goes up to April 25th of 2006.

1 Q And --

2 A I thought it went up to June, but this one
3 says April.

4 Q Now, on this exhibit, could you describe in
5 a little bit more detail what is shown on the
6 exhibit?

7 A Basically, any transactions that occurred
8 to the account, payments, bills, any adjustments, if
9 any adjustments are made, any credits, any deposits
10 that are requested.

11 Q And what is Ms. Sumler-Anderson's current
12 balance on her account, at least as of April 25th, or
13 would you have to look at Respondent's Exhibit 1?

14 A As of April 25th, it was \$959.56.

15 Q Is there anything else that you would
16 like --

17 JUDGE MORAN: Excuse me. A balance in that
18 amount?

19 THE WITNESS: Yes.

20 JUDGE MORAN: Balance due?

21 THE WITNESS: Balance due.

22 JUDGE MORAN: Okay.

1 BY MR. GOLDSTEIN:

2 Q Is there anything else that you would like
3 to point out with respect to Respondent's Exhibit 2?

4 A No.

5 Q Let me show you what's been marked as
6 Respondent's Exhibit 3. Could you describe what that
7 exhibit shows.

8 A Exhibit 3 is the meter reading history of
9 the premises.

10 Q And are all the meter readings based on
11 actual reads of Ms. Sumler-Anderson's meter at her
12 home?

13 A Majority of them are. There are a few
14 estimated readings towards -- back in 2001 and 2002,
15 but most of them are actual readings.

16 Q Those were actual readings by a remote
17 meter reading device?

18 A Yes.

19 Q All right. Let me show you what's been
20 marked as Respondent's Exhibit -- oh, by the way,
21 with respect to Respondent's Exhibits 1, 2, and 3,
22 the information that's contained on the bills and the

1 transaction history and the -- what was Exhibit 3 --
2 the meter reading history, that information is taken
3 from the books and records of Peoples Gas; is that
4 right?

5 A Yes.

6 Q All right. Let me show you what's been
7 marked as Respondent's Exhibit 4 for identification.
8 And it's entitled Lawana Sumler-Anderson, her
9 address. And it's entitled, Gas History For the Past
10 Three Years. Do you see that?

11 A Yes.

12 Q Did you prepare this exhibit yourself?

13 A Yes.

14 Q And did you take this from the books and
15 records -- information from the books and records of
16 Peoples Gas?

17 A Yes.

18 Q And could you describe what is shown on
19 Respondent's Exhibit 4.

20 A Respondent's Exhibit 4 is just the summary
21 of the winter usage for the last three years to get
22 an idea of how her usage compares every year for the

1 last three years. We can see if there is an increase
2 in the usage or a decrease in usage.

3 Q And how would you describe the usage over
4 the past three years on Ms. Sumler-Anderson's
5 account?

6 A Her usage has actually gone down in the
7 last couple years.

8 Q What impact has that had on
9 Ms. Sumler-Anderson's bills, in particular for 2005,
10 2006 heating season?

11 A Her usage has gone down; but since the cost
12 of gas has gone up, it really hasn't changed anything
13 on the amount of her bills.

14 Q All right. Let me show you what's been
15 marked as Respondent's Exhibit 5.

16 Now, Ms. Sumler-Anderson testified
17 that in January of 2006 her gas meter was exchanged;
18 is that correct?

19 A Yes.

20 Q And can you -- do you know what date it was
21 removed?

22 A January 28th of 2006 the meter was

1 exchanged for another meter.

2 Q And was the old meter tested to see if it
3 was performing within the Illinois Commerce
4 Commission's standards for gas meters?

5 A Yes.

6 Q And that's what is contained on the
7 Respondent's Exhibit 5, is it not?

8 A Yes.

9 Q And what does the meter testing show?

10 A It shows that it was well within the limits
11 set forth by the Illinois Commerce Commission of plus
12 or minus 4 percent.

13 JUDGE MORAN: Where does it show that?

14 THE WITNESS: Right here (indicating.)

15 JUDGE MORAN: On that line -- the line that
16 says "Test results end read."

17 THE WITNESS: Yes.

18 JUDGE MORAN: Okay. Can you tell me what all
19 these numbers mean.

20 THE WITNESS: Well, it's saying it was -- there
21 is actually negative .70 percent was the open load
22 and then negative .50 percent. And then overall it's

1 averaged out. So the 70 and 50 equals 120. So you
2 divide that by two and it equals negative 60. So the
3 meter was actually moving negative .60 percent slow.

4 So it was actually a slow meter. But
5 since was less than 4 percent, we don't adjust
6 anything. The meter is set at passed.

7 JUDGE MORAN: Okay.

8 THE WITNESS: It will be adjusted further, but
9 we don't have to adjust the customer's bill, I should
10 say. We don't adjust the customer's bill.

11 JUDGE MORAN: Okay. Because it falls within
12 the parameters?

13 THE WITNESS: Correct.

14 JUDGE MORAN: Okay.

15 BY MR. GOLDSTEIN:

16 Q And where does it indicate that the meter
17 test -- the meter passed the test?

18 A Right below it it says "Test results" it
19 says "Passed".

20 Q Is there anything else you would like to
21 add with respect to the complaint that has been filed
22 by Ms. Sumler-Anderson?

1 A No.

2 MR. GOLDSTEIN: I have nothing else.

3 EXAMINATION

4 BY

5 JUDGE MORAN:

6 Q Mr. Schmoldt, Exhibits 1, 2 and 3 for
7 identification are the sources for Exhibit 4; is that
8 correct?

9 A Yes. More 3 than anything.

10 Q More 3?

11 A Well, I used all three of them, but 3 gives
12 me the meter readings; and that's, basically, what
13 I'm comparing is the meter reading.

14 Q I understand. You were also saying that
15 they're all consistent?

16 A Yes.

17 Q What you developed from 4 would be
18 consistent with 1, 2, and 3; but one of those
19 documents may be more directly on point in what
20 you've developed?

21 A Correct.

22 JUDGE MORAN: Okay. Ms. Sumler-Anderson, do

1 you have any questions for Mr. Schmoldt?

2 MS. SUMLER-ANDERSON: Yeah.

3 JUDGE MORAN: Please go ahead.

4 CROSS-EXAMINATION

5 BY

6 MS. SUMLER-ANDERSON:

7 Q What's the life of a meter, normally? How

8 long does a meter last?

9 A They can last 25, 30 years. They can last

10 5 years. It depends.

11 Q So would you say they have a life span of

12 maybe 5 to 30 years?

13 A I would say somewhere in between there,

14 yes.

15 Q Okay. And you said my meter tested slow.

16 So it wasn't a hundred percent, there was something

17 wrong with it, but not enough to warrant this?

18 That's what you're saying?

19 A Correct.

20 Q But there was something wrong with it?

21 A It was okay. I mean, there was a little

22 bit adjustment needed, but nothing...

1 Q Okay.

2 MR. GOLDSTEIN: I have just one other

3 questions, if I may.

4 JUDGE MORAN: Okay. Do you have any more

5 questions of Mr. Schmoldt?

6 MR. GOLDSTEIN: I thought she was done. I'm

7 sorry.

8 MS. SUMLER-ANDERSON: Yeah.

9 JUDGE MORAN: Okay. Go ahead.

10 BY MS. SUMLER-ANDERSON:

11 Q We moved in our house in 1967, so my meter

12 was 39 years old. Until you all changed that meter,

13 it had never been changed. That's the same meter we

14 had. So isn't it possible in your career in ComEd --

15 not ComEd -- in Peoples Gas, have you ever seen where

16 there has been a meter default and someone was

17 overbilled?

18 A Yeah, I've seen it.

19 Q I mean, our meter is 39 years old. Isn't

20 there a possibility that there was something wrong

21 with the meter?

22 A No, it was tested. And when it tested, it

1 tested okay. So...

2 Q Okay. Thank you.

3 JUDGE MORAN: Do you have any more questions?

4 MS. SUMLER-ANDERSON: (Shaking head side to
5 side.)

6 JUDGE MORAN: Okay. Mr. Goldstein has a
7 follow-up question.

8 MR. GOLDSTEIN: Yeah, just to clear up the
9 issue of the meter reading.

10 REDIRECT EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q Looking at Respondent's Exhibit 5,
14 Mr. Schmoldt, it shows that the meter was reading
15 slowly. And if the meter is reading slowly, what, in
16 general, does that mean?

17 A When the meter is reading slowly, that
18 means that the customer is being undercharged for the
19 usage.

20 Q But the test that you have provided was the
21 test made by Peoples Gas. And what does the test
22 show with respect to the testing of the meter and the

1 parameters of the Illinois Commerce Commission with
2 respect to meter tests?

3 A Well, for any adjustment to be made on the
4 meter, the meter would have to be registering at plus
5 4 percent or minus 4 percent. And the meter was
6 nowhere near those parameter set forth by the
7 Illinois Commerce Commission. So as long as they
8 fall in with that guideline the meter is okay.

9 Q It's deemed to be recording accurately
10 then, is it not?

11 A Right.

12 MR. GOLDSTEIN: I have nothing else.

13 FURTHER EXAMINATION

14 BY

15 JUDGE MORAN:

16 Q And you're saying, Mr. Schmoldt, that the
17 way the air was it favored Ms. Anderson rather than
18 hurt her?

19 A Yes.

20 Q Let me ask you something else. And, again,
21 I will review these numbers at a more opportune time.

22 But when you switched meters -- that

1 is, when you took that meter out at Ms. Anderson's
2 request and put in a new meter, were there variations
3 in the new meter that would show the old meter to be
4 in any way...

5 A You know, I didn't bring in the new meter
6 test because all the meters are tested. If you want,
7 I can fax that over to you.

8 But, as far I know, before the meter
9 is put in, it's tested.

10 Q I understand that. You're not
11 understanding my question.

12 You take an old meter out. You put a
13 new meter in. You look at the readings that you were
14 getting when the old meter was there and seeing what
15 the readings are when the new meter is there. Is
16 there any inappropriate variation?

17 A I don't see that, no.

18 Q Okay. That's what I'm trying to get to.

19 A Okay.

20 JUDGE MORAN: Okay. I have no further
21 questions for Mr. Schmoldt. I want to ask some more
22 questions of the Complainant.

1 LAWANA SUMLER-ANDERSON

2 called as a witness herein, having been previously
3 duly sworn, was reexamined and further testified as
4 follows:

5 FURTHER EXAMINATION

6 BY

7 JUDGE MORAN:

8 Q Ms. Anderson, do you work?

9 A Yes.

10 Q And where do you work?

11 A Chicago Housing Authority.

12 Q Okay. And how long have you worked there?

13 A I've been there five years.

14 Q Okay. You work days? Nights?

15 A Days. I work from -- I usually leave out
16 about 6:30 and I get in 7:00, 8:00. Clarence gets
17 home earlier than I do. He gets home like 6:00.

18 Q Okay. And Clarence is your husband?

19 A Yes.

20 Q And what does Clarence do?

21 A He works for the VA Hospital. He's the
22 Chief Medical Administrator there.

1 Q Okay. And where is the VA Hospital
2 located?

3 A 820 South Damen.

4 Q Okay. So he works close to home?

5 A No, that's downtown.

6 Q Okay. Well, to me, if you're in the city,
7 you're close to home.

8 (Laughter.)

9 THE WITNESS: That's two buses and an El.

10 BY JUDGE MORAN:

11 Q Okay. And is that how he gets to work?

12 A Yeah. Some days I drive in, but I take the
13 Metra. And he takes the Orange Line and the bus, for
14 the most part?

15 Q Okay. And your husband is sick at this
16 time?

17 A Mm-hmm.

18 Q And what is...

19 A He has to have total knee replacement on
20 both knees. But then they found that his arteries in
21 his right leg are clogged, so they're giving him
22 Coumadin. Then he cut himself, which made him a

1 bleeder. It's just kind of one thing -- all the
2 medicines -- it's one thing after another. It just
3 kind of happened.

4 Q Okay. All right. So is he working now?

5 A Nope, he's at home.

6 Q Okay. And how long has he been at home?

7 A On and off about two weeks.

8 Q Okay.

9 A Because they postponed the surgery. He
10 goes to work some days when he feels -- when he can
11 stand it and some days he stays home.

12 Q Okay. Thank you.

13 JUDGE MORAN: Does anybody else have any
14 questions?

15 MR. GOLDSTEIN: I have nothing else.

16 JUDGE MORAN: Okay. When your husband's going
17 to feel better I'm going to allow you to submit those
18 electric bills. If you have any receipts on any of
19 these appliances, any of the heaters, or the electric
20 fireplace, or if you want to send in pictures, you
21 can do that.

22 MS. SUMLER-ANDERSON: Okay. I can give you the

1 activity report for current. Tomorrow when I go to
2 work, I can fax it in.

3 JUDGE MORAN: Okay.

4 MS. SUMLER-ANDERSON: I can take the pictures
5 at home today and send them in.

6 JUDGE MORAN: Okay. But do it -- you know,
7 don't feel pressured. I appreciate your promptness,
8 but I understand your home condition and I don't want
9 you to feel pressured. Okay?

10 MS. SUMLER-ANDERSON: Okay.

11 JUDGE MORAN: And Mr. Goldstein will give you
12 his fax number.

13 MR. GOLDSTEIN: Oh, sure. I believe it's -- do
14 you have a copy of my appearance?

15 MS. SUMLER-ANDERSON: No. I'm sorry. I don't
16 have all my stuff.

17 JUDGE MORAN: Okay. We will work out these
18 arrangements to help Ms. Sumler-Anderson.

19 At this point, the record will be
20 marked heard and taken.

21 If there is no objection, those will
22 be late-filed exhibits. Okay? They will be

1 Complainant's Late-Filed Exhibits 2 and 3, 2 being
2 the ComEd report and 3 being any pictures or receipts
3 that you can substantiate for the other appliances.

4 MS. SUMLER-ANDERSON: Do I fax this to him?

5 JUDGE MORAN: Yeah, I assume that Mr. Goldstein
6 will need that, first of all, and you will then just
7 refax to me.

8 THE REPORTER: Your Honor, did we admit the
9 exhibits?

10 JUDGE MORAN: Oh, yes.

11 MR. GOLDSTEIN: I would like to move to admit
12 Respondent's Exhibits 1 through 5. I'm sorry.

13 JUDGE MORAN: Okay. Respondent's Exhibits 1
14 through 5 are admitted.

15 (Whereupon, Respondent's Exhibit
16 Nos. 1 - 5 were admitted into
17 evidence.)

18 JUDGE MORAN: That means, Ms. Anderson, they
19 will be part of the record. Your Exhibits 1 through
20 3 will also be part of the record. Those will also
21 be admitted.

22

1 (Whereupon, Complainant's
2 Exhibit No. 1 - 3 were admitted
3 into evidence.)

4 JUDGE MORAN: I guess we don't have a briefing
5 schedule.

6 MR. GOLDSTEIN: We're not going to file a
7 brief, Judge. I believe the record is crystal clear.
8 The amount in question is less than a thousand
9 dollars, and we're just simply not going to file a
10 brief.

11 If Ms. Sumler-Anderson wishes to do
12 so, she's perfectly free to do so. But I'm advising
13 you in advance I'm not going to file a brief.

14 JUDGE MORAN: Okay. A brief is just,
15 basically, the arguments that a party has based on
16 the evidence in the case. I can decide this case,
17 and I probably will decide this case, just on the
18 record that I have.

19 When I decide, it will be a proposed
20 order; that is going to be my recommendation for the
21 Commission in this case. After I do that, at the
22 bottom of the order, which you will be served with,

1 which Mr. Goldstein and Peoples Gas will be served
2 with, there will be something that states "Briefs on
3 exceptions are due." That means if you have any
4 disagreement with the way that I have proposed a
5 resolution of this case, you can file something.

6 I'm not sure how they do these paper
7 filings with the Clerk's Office. What you would have
8 to do is file it with the Clerk's Office, and I will
9 take you over to Vickie, who is the Clerk's
10 representative here. And she will give you the
11 address where you would file that. That's a little
12 bit down the road. Okay? But, unfortunately, we're
13 not going to have another hearing date.

14 So I will take you to Vickie; get you
15 the address. You don't have to -- I understand that
16 you're pro se, so you will not have to make it very
17 formal; but you can lay out the points that you
18 disagree with or what you think my reasoning -- why
19 my reasoning is not good in this case. And the same
20 thing that Mr. Goldstein will do because there is no
21 way to know which way I'm going at this point, and he
22 will file something and serve you with a copy of what

1 he's stating.

2 So the two people that you would send
3 this to -- and believe me, you don't have to be
4 formalistic about it. Just take a piece of paper,
5 write out what you disagree with it. Okay? Word,
6 terms, conclusions. Okay?

7 The same thing for you, Mr. Goldstein.

8 But just so you understand the
9 process, that I will make an initial written
10 recommendation. And, then, each of you can dispute
11 anything that I have said or recommended, and then I
12 will take what your disputes are and reformulate the
13 order to include that and then come to decisions,
14 take it up to the Commission, and they finally decide
15 what to do. Okay?

16 MS. SUMLER-ANDERSON: Okay.

17 JUDGE MORAN: And that's it. I thank you all
18 very much.

19 HEARD AND TAKEN.

20

21

22